

REMARKS

Claims 1-4, 6-52 and 54-104 are pending in this application. Claims 31-39, 43-47, 86-94, 98-102 and 104 stand withdrawn. The Office Action rejects claims 1-30, 40-42, 48-85, 95-97 and 103 under 35 U.S.C. §103(a). By this Amendment, claims 1 and 49 are amended to incorporate the subject matter of claims 5 and 53 respectively; claims 9-12 and 57-60 are amended to correct their dependency; and claims 5 and 53 are cancelled. No new matter is added.

The courtesies extended to Applicants' representative by Examiners Frazier and Landau at the interview held February 11, 2009, are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below, which constitute Applicants' record of the interview.

I. Rejection under 35 U.S.C. §103(a)

Claims 1-30, 40-42, 48-85, 95-97 and 103 are rejected under 35 U.S.C. §103(a) as having been obvious over Hanna et al. (U.S. Patent No. 5,843,417) in view of Bara (U.S. Patent No. 5,919,468). Applicants respectfully traverse the rejection.

Applicants respectfully submit that Hanna in view of Bara do not teach or suggest, or give any reason or rationale to provide, all the feature of amended independent claims 1 and 49. Specifically, Hanna in view of Bara at least fail to teach or suggest that "the solid particles of polymethyl methacrylate comprise at least two polymethyl methacrylates having different densities." See the present specification at, for example, paragraphs [0015]-[0021]. Instead, Hanna in view of Bara nowhere teach or suggest *two different* types of polymethyl methacrylate (PMMA) particles. Bara merely teaches that fillers such as PMMA can be used "in order to modify the texture of the formulation." Bara at column 3, line 66 through column 4, line 4. Bara nowhere teaches that two different PMMA particles can and should be used.

In fact, the Office Action does not even allege that Hanna in view of Bara teaches the inclusion of two different PMMA particles having different densities. Applicants respectfully submit that the Office Action's allegation that "it would have been obvious to a person of ordinary skill in the art at the time the invention was made to determine the densities and percentages at which the particles of polymethyl methacrylate are most effective" is (1) not supported by the record, and (2) irrelevant to the presently claimed feature regarding *two different* PMMA particles.

First, Applicants respectfully submit that the above allegation is not supported by the record. As is discussed in MPEP 2144.05(II)(B), "A particular parameter *must* first be recognized as a result-effective variable, i.e., a variable which achieves a recognized result, before the determination of the optimum or workable ranges of said variable might be characterized as routine experimentation." (Emphasis added.). The Office Action has made *no showing* that these variables were known to be result effective variables at the time of the present invention. Therefore, the above allegation is merely conclusory, and improperly relies on hindsight based on the present disclosure.

Furthermore, Applicants respectfully submit that the above allegation is not relevant to the feature of two different PMMA particles having *two different densities*. Regardless of whether density itself was known to be a result effective variable, there is clearly no showing on the record that *the number of types of PMMA particles, specifically with different densities*, was known to be a result effective variable such that a person having ordinary skill in the art could optimize the value thereof. The Office Action makes *no showing* of how or why a person having ordinary skill in the art could optimize the number of types of different density PMMA particles. Applicants respectfully submit that the number of types of PMMA particles with different densities was *not* known to be a result effective variable, but rather that this feature is an inventive aspect of the presently claimed invention.

The cited references provide no reason or rationale why one of ordinary skill in the art would have selected *two* PMMAs, in view of Bara's simple disclosure. Moreover, the cited references further provide no reason or rationale to have specifically selected two different PMMAs having different densities, as claimed.

Accordingly, independent claims 1 and 49 would not have been obvious over Hanna in view of Bara for at least the reasons discussed above. Dependent claims 2-4, 6-30, 40-42, 48, 50-52, 54-85, 95-97 and 103 therefore also would not have been obvious for at least the reasons that independent claims 1 and 49 would not have been obvious.

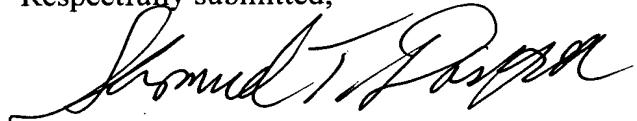
Reconsideration and withdrawal of the rejection are respectfully requested.

II. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the application are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachments

Petition for Extension of Time
Request for Continued Examination

Date: March 27, 2009

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